

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

MARCUS DESHAY CARPENTER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. CIV-05-416-L
	)	
JOHN WHETSEL, et al.,	)	
	)	
Defendants.	)	

**ORDER**

This matter is before the court for review of Report and Recommendation entered by the Honorable Doyle W. Argo on May 31, 2005, in which he recommended that the complaint be dismissed without prejudice due to plaintiff's failure to cure deficiencies in his motion to proceed *in forma pauperis*. The Report and Recommendation was mailed to plaintiff on May 31, 2005, but plaintiff's copy was returned to the court with the envelope stamped "RETURN TO SENDER" and with the hand-written notation "Gone 3-4-05". Local Civil Rule 5.5 provides that parties must notify the court of any change of address and that "[p]apers sent by the Court will be deemed delivered if sent to the last know address given to the Court." LCvR 5.5(a). Pursuant to that rule and given the fact that plaintiff has not informed the court of his new address, the Report and Recommendation is deemed to have been delivered to plaintiff. A review of the court file reveals that no party has objected to the Report and Recommendation within the time limits prescribed. Having

conducted a *de novo* review of this matter, the court finds that the Report and Recommendation should be adopted in its entirety.

Therefore, this action is dismissed **without prejudice**. Judgment will issue accordingly.

It is so ordered this 5th day of July, 2005.

  
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TIM LEONARD  
United States District Judge